

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT J. INDUDDI,
Plaintiff,

06-CV-0286E(Sc)

-vs-

ORDER

COMMISSIONER OF SOCIAL SECURITY,
Defendant.¹

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on April 19, 2007 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that said Report and Recommendation is fully confirmed, that the defendant's motion for judgment on the pleadings is denied, that the plaintiff's motion for judgment on the pleadings is granted and that the Commissioner's decision is reversed and this matter is remanded to the Commissioner for further administrative proceedings.

DATED: Buffalo, N.Y.
June 22, 2007

/s/ John T. Elfvin
JOHN T. ELFVIN
S.U.S.D.J.

¹For convenience, defendant will be identified by the official title only. See F.R.Cv.P. 25(d); 42 U.S.C. §405(g) (action survives despite change in office of Commissioner).